

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK REESE, JAMES CICHANOFSKY,
ROGER MILLER,
and GEORGE NOWLIN on
behalf of themselves and
a similarly situated class,

Hon. Patrick J. Duggan

Case No. 04-70592

Plaintiffs,

v.

Class Action

CNH GLOBAL N.V., formerly
known as Case Corporation,
and THE COMPANY LLC,

Defendants.

EXHIBIT A

TO

**PLAINTIFFS' MOTION TO COMPEL
THIRD PARTY SUBPOENA RESPONSE**

United States District Court Eastern District of Michigan



Subpoena in a Civil Case and Return of Service Form

Plaintiff(s):

Jack Reese, et al

Defendant(s):

CNH Global N.V. and CNH America LLC

v.

TO: Keeper of the Records
Towers Watson
711 South Wacker Drive, Suite 2600
Chicago, IL 60606

CASE NO. 04-70592

JUDGE Patrick J. Duggan

- ☐ SUBPOENA FOR ATTENDANCE AT TRIAL
☐ SUBPOENA FOR ATTENDANCE AT A DEPOSITION
☒ DOCUMENT PRODUCTION REQUEST ONLY
☐ PROPERTY INSPECTION REQUEST ONLY

COMMAND TO APPEAR

YOU ARE HEREBY COMMANDED to appear at the place, date and time specified below to give testimony in the above case, and, if so indicated, to bring certain documents with you.

Place:

Date:

Time:

- ☐ APPEARANCE WITH DOCUMENTS (SEE DESCRIPTION BELOW)
☐ APPEARANCE WITHOUT DOCUMENTS

COMMAND FOR DOCUMENTS

YOU ARE HEREBY COMMANDED to have the following documents, objects or things delivered to the place listed below, or allow the inspection of the below-listed property at the date and time specified.

Place: Cornfield & Feldman LLP
25 East Washington, Suite 1400
Chicago, IL 60602

Date: November 8, 2013

Time: 10: AM

Description of documents/items to be produced or property to be inspected:
All documents listed in Attachment A attached.

This subpoena is issued by (name, address and telephone number of attorney):

Darcle R. Brault
McKnight, McClow, Canzano, Smith & Radtke, P.C.
400 Galleria Offcentre, Suite 117
Southfield, MI 48034

Date of execution
October 28, 2013

On behalf of the

☒ Plaintiff ☐ Defendant

Signature of Issuing attorney/court officer.

ATTACHMENT A

To Towers Watson Subpoena

INSTRUCTIONS AND DEFINITIONS

A. For purposes of interpreting or construing the scope of this requests, the terms used shall be given their most expansive and inclusive interpretation.

B. The documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the requests. See Fed. R. Civ. P. 34(b)(2)(E).

C. With respect to any document or information which you withhold, do not disclose. or exert a claim of privilege of non-disclosure, a statement shall be provided by your counsel which:

1. states the nature of the claim of non-disclosure or privilege;
2. states the names of the authors of the document;
3. states the names of the persons to whom the document was addressed and any other persons to whom the document was sent;
4. states the date of the document; or if no date appears, the dates on which it was prepared, sent, or received;
5. states the number of pages, attachments, and appendices of the document;
6. describes generally the nature, and subject matter of the document; and
7. states the name of the persons who have custody of the documents.

See Fed. R. Civ. P. 26(b)(5).

D. These requests shall be deemed to be continuing so as to require prompt, further, and supplemental response if you discover additional documents or information that should have been included in response to these requests after the time of initial response. See Fed. R. Civ. P. 26(e)(1).

E. CNH means Defendants CNH Global N.V. and CNH America LLC, its employees, officers, agents and lawyers, as well as any parent or subsidiary, including but not limited to CNH Industrial, Fiat Industrial, CNH Capital LLC and Fiat SpA.

F. Benefit Plan means any and all benefit plan sponsored in whole or in part by CNH in which any current or former CNH executive officer participates, including but not limited to, incentive pay plans, health insurance plans, health insurance plans, retirement plans, pension plans, 401(k) plans, deferred compensation plans, outsider directors compensation plans, performance and leadership bonus plans, equity incentive plans, stock option plans, non-qualified performance stock option award agreements; performance share unit award agreement restricted stock unit award agreements and equity incentive plan and pension plans, including both funded and unfunded pension plans and other plans.

DOCUMENTS TO BE PRODUCED

1. As to each Benefit Plan, and by plan, produce the following documents:
 - A. The current Plan documents, including all amendments within the last ten (10) years;
 - B. The current Summary Plan Description;
 - C. The five most recent annual valuations of the Plan;
 - D. Documents showing current Plan participants;
 - E. Documents showing participants currently receiving a Plan benefit and, if the benefit is one paying a periodic payment, the amount of that payment;
 - F. Records of contributions made to the Plan by the Plan sponsor or any other person, including but not limited to, participants.